



CONSERVATION DISTRICT USE APPLICATION (CDUA)

File No:

Acceptance Date:

180-Day Expiration Date:

Assigned Planner:

for DLNR Use

PROJECT NAME: Ulu Kapaka

Conservation District Subzone: Resource

Identified Land Use:

(1) Construction of a Single-Family Dwelling in the Conservation District under HAR §§13-5-24(c) R-7 (D-1) and 13-5-41.

(2) Removal of Invasive Species pursuant to HAR §13-5-22(b) P-4 (B-1), Planting Native and Endemic Foliage pursuant to HAR §13-5-22(b) P-13 (B-2) and Tree Removal (and replacement with native or endemic trees) pursuant to HAR §13-5-22(b) P-11 (B-1) (alternatively, Landscaping pursuant to HAR §13-5-23(c) L-2 (D-1).

(Identified Land Uses are found in Hawai'i Administrative Rules (HAR) §13-5-22 through §13-5-25)

Project Address: 4590 Kapaka Street

Princeville, Kauai, HI 96722

Tax Map Key(s): (4) 5-3-001:016

Ahupua`a: Hanalei

District: Halele'a

County: Kauai

Island: Kauai

Proposed Commencement Date: November 2014

Proposed Completion Date: November 2016

Estimated Project Cost: \$2,750,000.00

TYPE OF PERMIT SOUGHT: ☒ **Board Permit** ☐ **Departmental Permit**

- ☐ Boundary Determination (ref §13-5-17)
- ☐ Emergency Permit (ref §13-5-35)
- ☐ Temporary Variance (ref §13-5-36)
- ☐ Site Plan Approval (ref §13-5-38)

Note: The four items on the left do not require that a full CDUA be filled out; please complete the first three pages of this application, and refer to the relevant HAR sections for the required documentation.

ATTACHMENTS *(where applicable)*

\$ 2,500.00 Application Fee (ref §13-5-32 through 34)

\$ _____ Public Hearing Fee (\$250 plus publication costs; ref §13-5-40)

- ☒ 20 copies of CDUA for Board and Departmental Permits (5 hard + 15 hard or digital copies)
- ☐ Management Plan or Comprehensive Management Plan (ref §13-5-39 and §13-5 Exhibit 3)
- ☒ Draft / Final Environmental Assessment or Draft / Final Environmental Impact Statement

- ☐ Special Management Area Determination (*ref Hawai'i Revised Statutes (HRS) 205A*)
- ☐ Shoreline Certification (*ref §13-5-31(a)(8)*) if land use is subject to coastal hazards.
- ☐ Kuleana documentation (*ref §13-5-31(f)*) if applying for a non-conforming kuleana use.
- ☐ Boundary Determination (*ref §13-5-17*) if land use lies within 50 feet of a subzone boundary.

REQUIRED SIGNATURES

Applicant

Name / Agency: Kalihiwai Investors, LLC

Street Address: 3762 Kelii Place

Princeville, Hawaii 96722

Contact Person & Title: James Fields (Member/Manager)

Phone: 347-804-8059

Fax:

Email: jfieldskauai@aol.com

Interest in Property: Member/Manager of LLC

Signature: _____ **Date:** 4/22/2014

Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

Name:

Title; Agency:

Mailing Address:

Phone:

Fax:

Email:

Signature: _____ **Date:**

For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.

Agent

Agency:

Contact Person & Title:

Mailing Address:

Phone:

Fax:

Email:

Signature: _____ **Date:**

For DLNR Managed Lands

State of Hawai'i

Chairperson, Board of Land and Natural Resources

State of Hawaii

Department of Land and Natural Resources

P.O. Box 621

Honolulu, Hawaii 96809-0621

Signature _____ **Date:**

PROPOSED USE

Please provide an executive summary of the proposed land use. Attach any site plans, landscaping plans, photographs, maps, and construction plans as needed.

1. CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A LEVEL, TWO-ACRE BLUFF IN THE CONSERVATION DISTRICT PORTION OF LOT 27. HAR §§13-5-24(c) R-7 and 13-5-41.

TMK (4) 5-3-001:016 DESCRIPTION

TMK (4) 5-3-001:016 (referred to as "Lot 27") stretches almost three miles along the eastern rim of the Hanalei Valley. It is bordered on the north by the Kuhio Highway (the principal transportation artery on the north and east shores of the island), on the east by Kapaka Street (a County-owned road) and on the west by the Hanalei Valley (see Figures 1 and 2). Lot 27's northernmost point is approximately 100 yards from Ka Haku Road, the entry to the Princeville Resort community.

Approximately 28 acres of Lot 27 is zoned Agriculture and the remainder, approximately 146 acres, is located in the state Conservation District, Resource Subzone. No portion of Lot 27 is in the shoreline management area (the "SMA") as defined within Hawaii Revised Statutes ("HRS") Chapter 205A. The lot was purchased by Kalihiwai Investors, LLC ("KI"), the applicant here, from Princeville Development, LLC in 2010.

Over the last 50 years, portions of Lot 27 have been used for pasturage and nursery operations. Numerous structures have been constructed on the lot including a 5,000 square foot warehouse (to be removed by KI in the near future), a 4,000 square foot greenhouse (destroyed by Hurricane Iniki with debris removed by KI in 2012), three 4,000 square foot plant shade houses (removed by KI in 2013), an AT&T cell tower facility (removed at the direction of KI in 2012), and a potable water well and related facilities operated by Princeville Utilities, a private utility regulated by the Hawaii Public Utilities Commission.

THE CDUP

This Conservation District Use Permit (the "CDUP") application is for construction of a single-family dwelling in the Conservation District portion of Lot 27.

THE PROPOSED SITE

The proposed Conservation District single-family dwelling would be located on a level, two-acre bluff (the "proposed site" or "project site") one-half mile south (mauka) of Kuhio Highway on Kapaka Street. The proposed site is bordered by Kapaka Street on the east and the Hanalei Valley rim on the west (see Figures 3, 4, 5 and 6). The site is about two miles from the nearest coastline and is approximately 380 feet above sea level (370 feet above the valley floor). The valley wall below the pali is steep, at about a 50 percent grade (see Figure 3 and the Topographic Map included in Exhibit 1).

For the last 50 or more years, the proposed site has been either left unused or used for limited livestock grazing. It is covered predominately with invasive vegetation. Today, there is considerable residential and commercial development in the neighborhood of the proposed site, including the Princeville Agricultural Subdivision on the opposite (east) side of Kapaka Street with more than 45 residences, including 18 which are visible from the street (see Exhibit 5 and Figure 6). Accordingly, the addition of the proposed dwelling will not alter the character of the immediate neighborhood.

THE PROPOSED DWELLING

The proposed single-family dwelling would have a single-story with maximum height of 19' 8" above existing grade and a height of 18' 6" at the primary ridge line. The structure would have a finished living space under roof of 3,833 sq. ft., a garage of 572 sq. ft., a pool (with coping) of 300 sq. ft. and Hawaiian rock applied to exterior walls covering 236 sq. ft. (at finish grade), resulting in a "total maximum developable area" of 4,941 sq. ft. This includes the "footprint" of the dwelling (whether or

not living space) plus the pool and all pool decking. It does not include the driveway. The dwelling's western face would be set back between 60 to 80 feet from the pali overlooking the Hanalei Valley.

The Site Topographic Map, Site Plans (including Landscape Plans) and Floor Plan for the residence are in Exhibit 1. Elevations of the dwelling's exterior are in Exhibit 2. In addition, photographs of the site taken from the Hanalei (one-lane) Bridge, farms and roads in the eastern Hanalei Valley and Hanalei Town, with scaled renderings of the dwelling superimposed, are provided in Figures 16A, 16B, 17A, 17B and 18. These photographs depict how the dwelling would appear to the naked eye when viewed from the various points on the Hanalei Valley floor. As described in greater detail below, these photos demonstrate the proposed project is not visible from Hanalei Town and will not have a material impact on the appearance of the Hanalei Valley rim from the farms and roads on the valley floor. Renderings of the proposed dwelling viewed from Kapaka Street are included in Exhibit 4. These renderings show that given the height, materials, orientation and landscaping of the dwelling, it will not overhang or dominate Kapaka Street, will be largely obscured by foliage and will be consistent with the residential nature of the neighborhood.

MATERIALS/EXTERIOR FINISHES

The dwelling's roof would be dark green slate or artificial slate (as shown in Figure 9). The exterior walls of the dwelling would be finished with Hawaiian rock in certain areas and otherwise painted in earth tones of browns (as shown in Figure 8 and the elevations included in Exhibit 2). Trim elements (e.g., along eaves, window and door frames, etc.) are in darker brown shades (as shown in Exhibit 2). All glass in windows and doors will be "Ultra White Low Iron Glass, with Lo E coating" which has the lowest reflectivity for any windows manufactured in the US. The gutters are of copper patina or other non-reflective material consistent with the color of the trim. The driveway will be concrete and cover approximately 4,275 square feet. If issues arise with respect to this surface, KI would use "grasscrete" or an alternative permeable material for the driveway surface.

WASTEWATER

Residences and businesses along Kapaka Street do not have access to Princeville Utilities sewer system and, instead, use septic systems. Wastewater from the proposed dwelling will be addressed using an above-ground, self-contained, anaerobic system which processes all wastewater in an above-ground tank and converts it into water suitable for agricultural uses. An alternative system, either (i) a below-ground anaerobic system; (ii) a below-ground, aerobic system; or (iii) a more typical septic system with underground leach beds would be used if OCCL recommended it. These systems are summarized in Exhibit 7. Each wastewater system would comply with Department of Health requirements for wastewater disposal.

SITE AND DWELLING DRAINAGE

The site drains uniformly with no apparent ravines, defiles, indentations or drainages. There is no observable erosion occurring. The majority of rainfall is absorbed on the property itself. In extreme conditions, storm water may flow from northwest to southeast (mauka, parallel to Kapaka Street) following the mild contours of the land, discharging to both the Kapaka Street and the Hanalei Valley sides of the project site. Kapaka Street has County storm drains at various points, including one at the southern end of the project site.

The project maintains the existing contours of the site. Therefore, rainfall will generally be absorbed on the site and, in extreme conditions, storm water flow will continue in a northwest to southeast direction discharging to Kapaka Street and the Hanalei Valley. The dwelling will be designed so that storm water collected from the roof will be captured in a leach bed system (a below-ground water absorption bed composed of five feet of gravel approximately 40 feet x 20 feet) and any excess will be dispersed through a drip dispersal system within the orchard area of the proposed site (as shown in Exhibit 6).

SITE DEVELOPMENT - EXCAVATION

The contours of the proposed two-acre site will not be altered, other than (i) excavation of the area immediately beneath the proposed dwelling to accommodate its post and pier foundation (requiring approximately 406 cubic yards of earth to be removed), (ii) excavation of the pool (requiring approximately 55 cubic yards of earth to be removed) and (iii) addition of a low (two-foot high) planting berm along portions of the site's boundary with Kapaka Street using the excavated soil. The planting berm will enhance the effectiveness of the native foliage (described in the Landscape Plan, below) in creating a barrier to visibility of the proposed dwelling from Kapaka Street.

The only other excavation on the proposed site will be to install the gravel leach bed for rainfall absorption and dispersal (requiring approximately 146 cubic yards of earth to be removed). After installation of this leach bed, the contours of the property will be returned to their pre-existing state. The product of this excavation will also be added to the planting berm.

The Preliminary Excavation Schedule is included in Exhibit 9.

LEGAL AND COMPLIANCE ANALYSIS

Under HAR §§13-5-24(c) and HAR 13-5-41, one single-family dwelling may be constructed upon land in the Conservation District with the approval of the BLNR. The dwelling may not be allowed, “where there is an existing residence in a different state land use district zoned for residential, rural or agricultural use on another portion of the same legal lot of record” (HAR §13-5-41(c)). The residence must meet design standards contained in Exhibit 4, HAR §13-5 (HAR §13-5-41(a)). The design standards, among other things, limit the “maximum developable area” to 5,000 square feet for lots larger than one acre and limit the height of any part of the structure (with certain exceptions) to the “maximum allowable building envelope”, which is 25 feet above the existing grade.

A single-family dwelling must receive a Board Permit (HAR §13-5-24(c)). A Board Permit, among other things, requires submittal of a draft or final EA (HAR §13-5-31(a)(1)), which is being submitted contemporaneously with this document. The Board Permit for a single-family dwelling in the Resource Subzone does not require a Public Hearing (HAR §13-5-40(a)).

There are no existing dwellings in the Conservation District or any other portion of Lot 27. There is a 5,000 square foot warehouse on the lot which supported nursery operations. However, this warehouse is not a dwelling (no person resides there, there is no certificate of occupancy for a dwelling and there is no kitchen) and, in any event, KI plans to demolish this structure in the near future. Accordingly, since there is no existing residence in any state land use district on any portion of Lot 27, the proposed single-family residence satisfies the requirement of HAR §§13-5-41(b) and (c).

The proposed dwelling complies with the seven “compatibility provisions” of Exhibit 4, HAR §13-5. In particular:

- (i) landscaping will screen much of the structure from the perspective of Kapaka Street, the dwelling will not be visible from Hanalei Town and, to the extent the dwelling would be visible from roads and farms on the eastern portion of the Hanalei Valley floor, the combination of foliage about the structure, setback from the pali, single story construction, and the choice of materials for the roof and exterior walls will obscure the dwelling such that it will not be readily discernible to the naked eye from its surroundings;
- (ii) the visible walls of the structure will be covered in a combination of Hawaiian rock and finished in brown tones and the roof will be of green slate or artificial slate shingles;
- (iii) waste water systems will comply with and be approved by the Department of Health;
- (iv) the general contours of the proposed site will not be altered (except for the area beneath the dwelling itself, the in-ground pool and the two-foot high planting berm along Kapaka Street);
- (v) all structural parts of the dwelling will be connected;
- (vi) all building and grading code requirements will be followed; and

(vii) there will be only one kitchen.

2) REMOVAL OF INVASIVE SPECIES PURSUANT TO HAR §13-5-22(b) P-4 (B-1), PLANTING NATIVE AND ENDEMIC FOLIAGE PURSUANT TO HAR §13-5-22(b) P-13 (B-2) and TREE REMOVAL (AND REPLACEMENT WITH NATIVE OR ENDEMIC SPECIES) PURSUANT TO HAR §13-5-22(b) P-11 (B-1) (ALTERNATIVELY, THE PROCESS WOULD CONSTITUTE LANDSCAPING PURSUANT TO HAR§13-5-23(c) L-2 (D-1).

The Landscape Plan (included in Exhibit 1) calls for removal of invasive species that predominate throughout the project site and bordering pali area. The plan calls for replacing the invasive species primarily with native and endemic species. The key elements of the Landscape Plan are as follows.

(i) The portion of the project site bordering Kapaka Street, totaling ~ 1/2 acre, would be planted with native Hibiscus, Lou Lou Palms and Kou trees. Kukui and Puakenikeni trees may be used to supplement or replace the Kou trees along the border. Lau Hala, Ti and Naupaka may also be added at intervals along the border. A low (two-foot) planting berm would be installed along portions of the Kapaka Street border to make the foliage more effective in obscuring the dwelling. Chain link or similar fencing would be installed along the Kapaka Street border (less than six feet in height), as well as a gate across the driveway entry to the project site, to provide security, enclose domestic animals and provide a trellis for growth of native Hibiscus, Naupaka and other border foliage. The Hibiscus and other border planting will grow about and screen this fencing.

(ii) At intervals along the perimeter of the residence and the driveway, groupings of Red and Green Ti, White Hibiscus, Gardenias, Ape, Kukui, Puakenikeni and Kou trees would be planted. The Kou, Kukui and Puakenikeni trees included in these groupings will exceed 10 feet in height (higher than the soffit line of the roof). A Kamani (true), native Banyan or Monkey Pod tree would be located in the center of the circular driveway.

(iii) An approximately 60 foot wide area below the pali and bordering the project site, totaling more than 3/4 acre, would be planted with a variety of native species; starting nearest the pali with ferns, grasses and shrubs (such as Naupaka, Poo'hinahina, Ti, Hibiscus Kokio, Lauae, Kupukupu and Palapalai ferns, transitioning to larger native trees and shrubs, (such as Koa, Ohia, Lama, Naio, Alahe'e, Mamake, Koaia, Milo, Kou, Kamani, Nawiliwli, and Hala) as planting continues down the valley slope. In this pali area, the root structures of larger invasive trees and shrubs will not be removed to maintain stability of the hillside and prevent erosion

(iv) Finally, the southern portion of the proposed site, ~ 1.25 acres, will be an orchard area, including 75% fruit trees of varying varieties and 25% comparably-sized native trees (such as Kou, Puakenikeni, Lau Hala). Orchard fruit trees will be grafted, semi dwarf, tropical fruit trees, of mixed varieties. Each tree will be pruned to be low spreading for ease of harvesting fruit and minimal view plane impact.

The removal of invasive species and replacement with native and endemic species will halt the deterioration of the site, improve the appearance of the site from Kapaka Street and create forage and harborage for native bird species, as discussed further below.

EXISTING CONDITIONS

Please describe existing conditions on the parcel (geology, ecology, cultural and recreational resources, historic resources, structures, landscaping, etc). Attach maps, site plans, topo maps, biological or archaeological surveys as appropriate.

TOPOGRAPHY AND GEOGRAPHY

The project site is located along the eastern rim of the Hanalei Valley, within the district of Hanalei, Island of Kauai, near the Princeville Resort Community. The site is about two miles from the nearest coastline and is approximately 380 feet above sea level (370 feet above the valley floor). The valley wall below the pali is steep, at about a 50 percent grade (see Figure 3 and the Topographic Map included in Exhibit 1). The project site is generally level from Kapaka Street to the pali, sloping slightly downwards from northwest to southeast at approximately 3 degrees to 7 degrees, with the degree of slope increasing towards the site's southern (mauka) end.

The project site does not contain surface water bodies or wetlands. There is no evidence of wetland vegetation. The surface water bodies nearest to the project site are Hanalei River, which meanders along the valley floor and is 1,000 feet from the proposed site at its nearest point, and the river's adjacent wetlands. The Hanalei River is the fourth largest stream in the State based upon the amount of water discharged (Stream Assessment Draft Report of 1990, State of Hawaii and National Park Service: 27) and is designated a National Heritage River. The Hawaii Stream Assessment (1990) evaluated Hanalei River as having outstanding aquatic natural resources. The Hanalei Valley wetlands are used to cultivate taro and provide habitat for endangered water birds

SOILS AND GEOLOGY.

The property's soil is Kauai Oxisol. The soil order is Po'oku Oxisol. The soil family is fine, ferritic, isohyperthermic, anionic acrudex. Permeability of this soil is moderately rapid, its runoff is slow, and its erosion hazard is slight.

RAINFALL, DRAINAGE AND NATURAL HAZARDS

The parcel receives approximately 78 to 157 inches of rain per year (Giambelluca, et al. 1986). The site appears to drain uniformly with no apparent ravines, defiles, indentations or drainages. There is no observable erosion occurring. The majority of rainfall is absorbed on the property itself and in extreme conditions, storm water may flow from northwest to southeast (parallel to Kapaka Street) following the mild contours of the land, discharging to both the Kapaka Street and the Hanalei Valley sides of the project site. Kapaka Street has storm drains at various points, including one at the southern end of the project site. The County of Kauai maintains an easement in that location for drainage purposes.

The project site is rated Flood Zone X. Zone X is a Special Flood Hazard Area determined to be outside the 500-year floodplain. Flood insurance purchases are not required. The nearest floodplain is within Hanalei Valley

FLORA

The proposed site is abandoned pasture, primarily covered in grasses. Invasive shrubs and trees are growing thickly on the borders and slopes about the proposed site and are starting to colonize the remainder of the site and neighboring areas. Cutting along the pali and mowing activity in the project site interior (pursuant to SPA: KA-13-30, January 31, 2013) has temporarily controlled the growth and spread of the invasive vegetation.

Kapaka Street Border. The Kapaka Street boundary of the project site is covered in thick, shoulder-high grasses, primarily Buffalo Grass (*buchloe dactyloides*), and shrubs such as Guava (*pisidium guajava*) and Java Plum (*syzygium cumini*).

Hanalei Rim Border. The Hanalei Valley rim boundary of the project site is dominated by Strawberry Guava, (*pisidium cattleicmun*), Java Plum (*syzygium cumini*) and Cat's Claw (*Caesalpinia decapetala*).

There are remnant native ferns in small, scattered patches and some Lau Hala (*Pandanus odoratissimus*) specimens over the valley rim.

Interior of the Project Site. The interior of the project site is covered in grass (80% Buffalo Grass (*buchloe dactyloides*), 10% Wedelia (*shagneticola trilobata*), 5% Sleeping Grass (*mimosa pudica*) and 5% Kikuyu Grass (*pennisetum clandestinum*)), with the exception of several small shrubs growing intermittently in the field (e.g., Guava (*pisidium guajava*), Haole Koa (*leucanica leucocephala*), and Java Plum (*syzygium cumini*)). There are no native species in this interior area.

FAUNA

The bulk of the project site is a grassy field with limited harborage or forage. Field observation indicated that several species may use the area. The following species were observed: Common Myna Bird (*acridotheres tristis*); Chestnut Munia (*lonchura atricapilla*); Cattle Egret (*bubulcus ibis*); and Zebra Dove (*geopelia striata*). There was also evidence that feral pigs and feral chickens transit the property.

In addition, there are native bird species assumed to seasonally/occasionally fly over the property, including Nene (*branta sandvicensis*), Golden Plover (*pluvialis fulva*) and Pueo (*asio flammeus sandwichensis*). The United States Fish and Wildlife Service (the "USFWS") indicates that various seabirds including "the federally threatened Newell's shearwater (*Puffinus auricularis newelii*), endangered Hawaiian petrel (*Pterodroma sandwichensis*), and a candidate for listing, the band-rumped storm-petrel (*Oceanodroma castro*) may fly over the project area when traversing between the ocean and mountainous breeding colonies." (see USFWS letter, December 2013, included in Exhibit 8).

According to the USFWS, the federally endangered Hawaiian duck or Koloa (*Anas wyvilliana*) and Hawaiian hoary bat or `ope`ape`a (*Lasiurus cinereus semotus*) may be present in the vicinity (see USFWS letter, December 2013, included in Exhibit 8).

While the various species may be present in the vicinity or may occasionally fly over the property, no threatened or endangered species are known to exist or reside on the project site and there is no proposed or designated critical habitat located in the area.

UTILITIES

There is no sewer service along Kapaka Street. KI understands that all residences and businesses along Kapaka Street use septic systems. State Health Department regulations require that a leach bed septic system may not be located within 1,000 feet of a public potable water well.

Princeville Utilities operates a potable water system that delivers water to the dwellings and businesses along Kapaka Street and to the larger Princeville community. Princeville Utilities operates a water line in the Kapaka Street right-of-way adjacent to Lot 27 and the proposed site. A portion of Princeville Utilities' potable water is sourced from a water well on Lot 27 well south of the proposed site. Princeville Utilities is a privately-owned utility regulated by the Hawaii Public Utilities Commission. The Kauai County Department of Water does not provide potable water to the Princeville area.

Kauai Island Utility Cooperative ("KIUC") provides electric power service along Kapaka Street. KIUC maintains an underground power line in the Kapaka Street right-of-way on the east side of Kapaka Street (across the street from Lot 27 and the proposed site).

ROADS AND TRAFFIC

Kapaka Street is a public road owned by the County of Kauai. It was re-surfaced in 2012. The nearest significant intersection to the project site is the corner of Kapaka Street and Kuhio Highway, 1/2 mile north. All residences and business along Kapaka Street access the highway from the south side of this intersection. The Church of the Pacific, Princeville Ranch Adventures Center, and the Prince Golf Course's service facilities access the highway from the north side of this intersection. The State Department of Transportation has awarded a contract for construction of left turn lanes from Kuhio Highway north and south at the intersection and construction of these improvements began March 12,

2014. KI has indicated willingness to contribute land at the north-west corner of Kapaka Street and Kuhio Highway, if that land would be needed in constructing the left turn lanes.

CULTURAL AND HISTORIC RESOURCES

Lot 27 includes the Po'oku Heiau (State Historic Preservation Division Site # 50-30-03-139), an important Hawaiian historic/cultural site located on the summit of a hill overlooking the Hanalei Valley. On July 24, 2012, the State Historic Preservation Division ("SHPD") accepted KI's Final Archaeological Inventory Survey ("AIS") covering much of the lot, including the area of the Po'oku Heiau. On May 14, 2013, the SHPD accepted KI's Final Preservation Plan for the heiau.

The AIS noted –

"[T]he precise location and size of Po'oku Heiau on the summit of the pu'u overlooking the Hanalei Valley is particularly subjective. This subjectivity results from the general absence of structural elements remaining on the site and the general understanding that the heiau was unenclosed. Accordingly, prior determinations of the size and location of the heiau have been quite variable."

To eliminate any uncertainty and minimize future controversy, the AIS and Final Preservation Plan (i) set the entire 1.8 acre summit of the hill overlooking the Hanalei Valley (including various heiau locations identified by prior research) as the site boundary for the heiau and (ii) defined the surrounding five acres of the hill as a buffer zone (the entire 7-acre area being referred to as the "Heiau Preserve"). In addition to the seven acres approved as part of the AIS and Final Preservation Plan, KI intends to make an additional approximately 5.8 acres on the preserve's west and south sides part of the Heiau Preserve, resulting in a total protected area of almost 13 acres.

KI intends to transfer title to the Heiau Preserve to a non-profit corporation (Ka Pua Hinalo O Po'oku) created to hold and administer the preserve. The board of the corporation is comprised of community members who will act as curators of this important historic property. Transfer of the preserve property awaits filing of IRS Form 1023 (the procedural filing for qualification as a 501(c)(3) entity), which is anticipated in the near future.

The buffer zone, along with other measures in the Final Preservation Plan, safeguards the heiau from future activities in the surrounding area. In setting the buffer zone, the AIS and Final Preservation Plan expressly considered that five farm dwellings could be developed in Agriculture-zoned land immediately north and south the Heiau Preserve (see Figure 10 which is Figure 4 from the AIS and Figure 21 from the Final Preservation Plan) and that a single-family dwelling in the Conservation District (as proposed herein) could be developed in the area further south of the farm dwellings. The proposed project site sits more than 1,300 feet south of the perimeter of the Heiau Preserve.

The AIS also included a pedestrian survey of the two-acre bluff that is the project site. The AIS found no evidence of historic properties or structures in the site.

STRUCTURES - BUILT ENVIRONMENT

Kapaka Street begins at the Kuhio Highway and runs south approximately two miles until it terminates at the unpaved Powerline Trail. Lot 27 is the sole lot of record on the west side of Kapaka Street. There are no dwellings on Lot 27 at present. However, there have been or are several commercial structures on this lot. In addition, the built environment of the proposed site on the east side of Kapaka Street and the immediately surrounding area includes residential and commercial development, as well as infrastructure improvements.

Princeville Agricultural Subdivision and Kapaka Street. In 1978, Princeville at Hanalei completed a subdivision process to develop the Princeville Agricultural Subdivision and related improvements on a portion of its lands running along the eastern rim of the Hanalei Valley. This subdivision included the creation of 22 lots for residential and commercial development, two lots for Kapaka Street and an undeveloped right of way extending from Kapaka Street to the Halele'a Forest Reserve, and Lot 27 which made up the residual area of this subdivision action.

The Princeville Agricultural Subdivision extends along the east side of Kapaka Street (adjacent to Lot 27) for approximately 1.5 miles. The original subdivision included 22 lots, but most have been further divided pursuant to HRS Chapters 514 A and B (in the CPR process), and there are now 84 CPR units on the east side of Kapaka Street. Currently, the subdivision includes 45 parcels with dwellings (and four others with structures of less than 1,000 square feet). 18 of the Princeville Agricultural Subdivision dwellings are visible from Kapaka Street (see Figure 6 and Exhibit 5 showing examples of this development).

Princeville Airport. The Princeville Airport runway is less than one mile east of Kapaka Street. The airport owners have a recorded 1980 easement and right-of-way for the free and unobstructed passage of aircraft in and through the airspace over and across Lot 27. Although at present there are no regular commercial flights using the airport, there was regular commercial service in the past, which could be reintroduced. In addition, the airport is open to use by private aircraft and is regularly used by tour helicopters.

Nursery Structures. In the late 1980's, the northern portion of Lot 27 was developed as a commercial nursery. At the height of nursery operations, the area was subject to extensive planting, plowing and cultivation. Accompanying those operations, an access road and several large structures were built, including an existing 5,000 square foot warehouse (approximately 20 feet in height) set on a concrete pad, a 4,000 square foot greenhouse (collapsed by Hurricane Iniki and not rebuilt), and three shade houses, each approximately 4,000 square feet in size. Additionally, electric utility lines run over Kuhio Highway and continue above ground to the 5,000 square foot warehouse.

As part of the process of preparing Lot 27 for sales of sites for possible farm dwellings (on Agriculture-zoned land), (i) nursery operations are being wound up, (ii) debris remaining from the 4,000 square foot greenhouse collapsed by Iniki was removed, (iii) the shade houses were removed, (iv) debris and gravel strewn throughout the area were collected and removed and (v) the nursery access road was relocated away from the Conservation District. KI intends to demolish the existing 5,000 square foot warehouse in the near future.

Princeville Utilities Potable Water Facilities. At the southern end of Lot 27, Princeville Utilities maintains potable water facilities, including a water well and associated pump and control building. The well and control building are enclosed by wire fencing and are on Lot 27. Princeville Utilities also maintains and operates a water tank enclosed by wire fencing which is located immediately across the trail that is the southern extension of Kapaka Street, next to Lot 27.

KIUC Power Lines. KIUC, a Hawaii consumer cooperative association which provides electric power on the island of Kauai, owns and maintains three sets of above-ground power lines entering Lot 27 in various places (in both Conservation District and Agriculture-zoned land), under a 1988 recorded right-of-entry. One set crosses the Kuhio highway at the northernmost end of the property and continues down into the Hanalei Valley. The second set also runs across Kuhio Highway and into lot 27 supplying power to the 5,000 square foot warehouse in the old nursery area. The third set are large scale power lines at the southern (mauka) end of the parcel coming from the Hanalei Valley through lot 27 and on up the "Powerline Trail" (an unpaved trail/road used to access electric transmission lines for maintenance).

Cellular Tower. In 1990, Cybertel Cellular licensed 10,000 square feet in the northern portion of Lot 27 for the installation of a cellular tower and related equipment. The tower was approximately 60 feet high and designed to look something akin to a large pine tree. An underground electric line ran approximately 500 feet from the cell site to power poles at the 5,000 square foot nursery warehouse to power the tower. A CDUP was received for the cell tower in 1991. KI did not renew the lease for the cell tower (then, with AT&T) and the tower was demolished and removed in 2012.

Princeville Adventures Kids Center. Princeville Ranch previously operated a riding center on the east side east of Kapaka Street (across the street from Lot 27) with an entrance approximately 500 feet south of the intersection of Kapaka and the Kuhio Highway. The ranch's riding operations were

relocated and the building has most recently been used as a children's activity center by Princeville Ranch offering arts and crafts, hiking, a petting zoo and horseback riding for children four to eleven years of age.

Princeville Botanical Garden. A botanical garden and chocolate farm offering tours to the general public is located on Ahonui Street (off Kapaka Street, one mile south from the Kuhio Highway).

Proposed Relocation of the Hanalei Scenic Overlook. Commencing in the 1990s and continuing to the present, consideration has been given by the USFWS and the County of Kauai to relocating (or augmenting) the scenic overlook of the Hanalei Valley (currently located along Kuhio Highway less than ½ mile northwest of Lot 27) to the northernmost six acres of Lot 27. Although consideration has been given to a variety of plans, the plan developed in 2002 included a visitors' center, restrooms (connected to Princeville Utilities' sewer system), a gift shop, multiple locations for viewing the valley and over 60 parking stalls. According to a draft 2002 Environmental Assessment of the project, 350 vehicles and four to ten tour busses were expected on the site daily (an estimated 900 visitors per day). The likelihood of approval and completion of this project in the future is unclear. KI has indicated willingness to make the land available for the overlook if USFWS, the County and local citizens groups can reach agreement on the overlook details.

Other Prospective Development in the Area of the Project Site and along the Hanalei Valley Rim. Potentially, five farm dwellings may be constructed on the portion of Lot 27 zoned Agriculture under County land use laws. There are also numerous additional residences which could be constructed on the east side of Kapaka Street in the Princeville Agricultural Subdivision, across the street from Lot 27. In addition to residential and commercial development along Kapaka Street, there has been substantial additional development along the Hanalei Valley rim closer to Hanalei Bay (north of Lot 27). This development includes numerous dwellings along Hanalei Plantation Road, particularly in the Hanalei Garden Farms development which includes 22 home sites. Several of these dwellings are readily visible from Hanalei Town and the Hanalei Valley floor (see Figure 12). Furthermore, more than 30 dwellings and a new hotel are proposed to be constructed at the northernmost end of the Hanalei Valley rim overlooking Hanalei Bay (on the former Club Med site).

EVALUATION CRITERIA

The Department or Board will evaluate the merits of a proposed land use based upon the following eight criteria (*ref §13-5-30 (c)*):

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (*ref §13-5-1*) How is the proposed land use consistent with the purpose of the conservation district?

The construction of one single-family dwelling conforming with the applicable design standards referenced in HAR §13-5-41 in the 146-acre Conservation District portion of Lot 27 is a reasonable and beneficial use of the project site, consistent with the objectives of the Conservation District and the Resource subzone.

A) This development of a single dwelling in the Conservation District portion of Lot 27 is consistent with the surrounding neighborhood (see the detailed discussion in response E to Evaluation Criteria #5, below).

B) The Landscape Plan significantly improves the condition of the proposed site by promoting the long-term sustainability of native flora on the site, as well as, harborage and forage for native bird species.

Currently, the proposed site is degraded pasture dominated by invasive species which are spreading throughout the site and adjacent Conservation District land. The proposed project's Landscape Plan would completely remove invasive plants and trees covering both the two acres of the site and more than .75 acres along the Hanalei Valley rim, below the pali. The invasives would be replaced with native species (including large hardwoods such as ohia lehua, koa, milo, kamani and nawiliwili, below the pali), except for fruit trees in a portion of the site interior (as detailed in the "Proposed Use" section above and shown in Exhibit 1).

The introduction of native ferns, shrubs and trees, particularly in the .75-acre area below the pali, will provide harborage and forage for native bird species. These native birds are not currently found in the proposed site due to the absence of native foliage. Also, the 1.25 acre fruit and native tree orchard area will be maintained in short grass providing additional harborage for native birds, including the Koloa, and Nene.

If the proposed project is not undertaken, the proposed site remains degraded pasture dominated by invasive grasses, shrubs and trees. These invasives will continue to slowly spread throughout the project site, over the pali and down the slope of Hanalei Valley.

C) After development of the proposed site, no further dwellings are permissible in the Conservation District. Accordingly, the remaining ~2 continuous miles of Lot 27 running south of the proposed site, including 108 acres in the Conservation District, will remain open, consistent with the Conservation District's overall goal of conservation and preservation.

KI's long-term plans for the remaining Conservation District acreage in Lot 27 includes various remedial efforts, such as preservation of specified areas for (i) hiking, trail biking and hunting, (ii) planting of native foliage, (iii) recreational space and (iv) the possible development of the Hanalei Valley scenic overlook by the USFWS (see Figure 7). These improvements would be in furtherance of the specific objectives of HAR §13-5-13(b)(1) and (b)(3).

KI has already created the 13-acre Po'oku Heiau Preserve within Lot 27, including approximately five acres in the Conservation District. KI is committed to convey this preserve in fee to a newly-formed 501(c)(3) non-profit corporation to be managed by community members in an effort to preserve this important historic and cultural site. In effect, the Heiau Preserve will function akin to a park in furtherance of the objectives of HAR §13-5-13(b)(1).

Finally, KI has significantly improved the condition of Conservation District land in the former nursery area of Lot 27 by removing various large structures in the Conservation District (including the 60 foot AT&T cell tower and three 4,000 square foot shade houses), removing debris remaining from Hurricane Iniki (including the 4,000 square foot greenhouse debris), relocating the nursery road away from the Conservation District, clearing up construction and nursery debris, cutting a dense wall of invasive vegetation (primarily hau, strawberry-guava and java plum) along the pali and planting and maintaining grasses in large open fields (formerly largely barren or covered with weeds). KI plans to remove the 5,000 square foot nursery warehouse in the near future.

D) In sum, the proposed use is consistent with the overall goal of preservation. No long-term negative impacts to the physical or social environment are anticipated as a result of the proposed project. No significant change to the topography of the site will occur. No valuable natural or cultural resource would be adversely affected or lost. No native ecosystems are present.

2. How is the proposed use consistent with the objectives of the subzone of the land on which the land use will occur? (*ref §13-5-11 through §13-5-15*)

See Question 1.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled “Coastal Zone Management” (*see 205A objectives on p. 8*).

NA

4. Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The proposed project will not cause a substantial adverse impact to the existing physical environment and natural resources of the area. On balance, it will make a positive contribution to the condition of the neighborhood and area.

- A) Topography. The dwelling and surrounding Landscape Plan have been designed to conform to the existing contours of the project site and not materially alter the existing topography. The only permanent alteration of the contours of the site will be for the pier and post foundation of the dwelling itself, for the pool and for the two-foot planting berm along portions of Kapaka Street. Excavation will also be undertaken for the rainwater water leach bed system and the drip-line drainage system for disbursement of excess rainfall. However, after introduction of that system, the site’s surface will be returned to its original contours.
- B) Soils and Geology. The proposed dwelling will not change the soils of the project site or the surrounding areas
- C) Rainfall, Drainage and Natural Hazards. The existing contours of the site will be maintained. Therefore, rainfall will generally be absorbed on the site and storm water in extreme conditions will flow in a northwest to southeast direction (parallel to Kapaka Street) discharging to Kapaka Street (and the County of Kauai storm drain in that area) and the Hanalei Valley, as under the existing circumstances. The dwelling will be designed such that storm water collected from the roof will be captured in a leach bed system and any excess will be dispersed through a drip-line dispersal system within the site (see Exhibit 6 – Rainwater Leech Bed and Drip-Line Dispersal System). The proposed project will not increase the risk of other natural hazards (i.e., landslides) due to the limited

alteration of site drainage and locating the dwelling on the level area a substantial distance from the pali.

- D) Flora. The proposed project's Landscape Plan would significantly and positively impact the project site flora. The plan proposes to remove invasive plant species covering the site and replace them with predominately native species, except in the portion of the site interior planted as a fruit and native tree orchard (as detailed in the "Proposed Use" section and shown in Exhibit 1).
- E) Fauna. The proposed project will not adversely impact fauna in the area of the project site. To the contrary, the introduction of native ferns, shrubs and trees, particularly in the .75-acre area below the pali, will provide harborage and forage for native bird species. These native birds are not currently in the proposed site due to the absence of native foliage. Also, approximately 1.25 acres of the site will be maintained in short grass throughout the orchard area providing harborage for native birds, including the Koloa, and Nene.

The proposed project is also not anticipated to adversely impact threatened or endangered species. In response to a pre-assessment letter regarding the project distributed November 9, 2013 (the "Pre-Assessment Letter"), the USFWS provided recommendations to avoid potential impacts to endangered and threatened species that may exist in the vicinity (see Exhibit 8): The proposed project will follow all such USFWS recommendations.

- F) Air Quality and Noise. During construction, noise at the proposed site will be the typical levels associated with construction of a single-family dwelling and related improvements and KI will comply with all applicable legal and regulatory requirements related to noise levels. Once the dwelling is completed, noise emissions will be minimal and impacts to neighboring properties will not be significant. Once constructed, the types of noise that will be generated at the dwelling would include cars moving in and out of the site and the operation of landscaping maintenance equipment, such as lawnmowers, blowers, etc. Use of such equipment is common within the project neighborhood.

During construction of the dwelling, BMPs will be used to minimize any dust or similar air borne material and KI will comply with all applicable legal and regulatory requirements related to air pollution control and fugitive dust emissions. Once the dwelling is completed, the proposed dwelling and vehicles entering the dwelling will not have a significant impact on pollutant air emissions.

- G) Water Resources. The proposed project will not have significant direct or indirect impacts on the Hanalei River, the adjacent valley wetlands or the coastal waters (including Hanalei Bay). Princeville Utilities has confirmed current potable water capacity for the proposed dwelling. If, as proposed, an anaerobic waste water system is selected, water suitable for agricultural uses will be produced by the system.
- H) Waste Water. As with all other residences and businesses along Kapaka Street, domestic waste water from the proposed dwelling would be processed by a septic system. The proposed above-ground, anaerobic system, or any other system recommended by OCCL, would be in compliance with State Department of Health and County requirements. In compliance with State Health Department regulations relating to installation of septic systems, there are no existing public wells within 1,000 feet of the proposed site. Princeville Utilities' well, located on the southern end of Lot 27, is situated substantially more than 1,000 feet from the project site area.

5. Describe how the proposed land use, including buildings, structures and facilities, is

compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The proposed project is compatible with the locality and appropriate to the physical conditions of the parcel and area. It will not have a material adverse impact on the visual and aesthetic condition of the area.

A) Population Impact.

The addition of a single-family residence in Princeville will not have a material impact on population metrics of the area or on area services. The town of Princeville was developed starting in the late 1960's. It includes two major hotels (the St. Regis Princeville and the Westin), over 1,500 time-share and condominium properties, and over 700 single-family residences. Princeville's population in 2010 was 2,158. Princeville includes a commercial area, the 74,000 square foot Princeville Center, which includes a 24,666 square foot Foodland supermarket, an ACE Hardware store and numerous other small businesses and restaurants. Section 6.1.4.3 Rationale for Map and Text Policies of the Kauai General Plan states in relevant part, "The Princeville re-designation continues the longstanding strategy of concentrating North Shore development at Princeville. It is the only North Shore community that provides the full range of urban-level services, including wastewater treatment."

B) Impact on Traffic Conditions.

The introduction of one single family dwelling to the community will not result in a significant impact to existing traffic conditions on Kapaka Street or the Kapaka Street/Kuhio Highway intersection. The incremental use associated with the proposed single-family dwelling is not consequential. The State DOT has concluded that "DOT does not anticipate any significant adverse impacts to the State transportation facilities" (see State DOT letter, November 2013, included in Exhibit 8).

C) Impact on Utilities.

Princeville Utilities has confirmed current availability of potable water service to the residence. KI will execute a "waiver and release agreement" with the Kauai County Department of Water agreeing that water service is not available from the Department of Water (see Kauai County Department of Water letter, December 19, 2013, included in Exhibit 8).

KIUC has approved plans for electrical service to the proposed dwelling.

The addition of the residence should not have a material impact on wear of or traffic on Kapaka Street.

D) Capability of the Parcel.

Lot 27 includes 174 acres (146 in the Conservation District) and extends approximately three miles along the Eastern rim of the Hanalei Valley. There are no dwellings on Lot 27 at present. However, there have been or are several commercial structures on this lot including: (i) Princeville Utilities' waterworks control and pumping station; (ii) a 60 foot AT&T cell tower (in the Conservation District, previously removed at the direction of KI); (iii) three sets of KIUC power lines crossing the property; (iv) a 5,000 square foot warehouse (in the Conservation District, to be removed by KI in the near future); (v) a 4,000 square foot greenhouse (destroyed by Hurricane Iniki and not rebuilt); and (vi) three 4,000 square foot plant shade houses (previously removed at the direction of KI).

Potentially, five farm dwellings may be constructed on 28 acres of Agriculture-zoned land in the northern portion of Lot 27 under County land use laws (eight acres of the Agriculture-zoned land are included in the Heiau Preserve).

E) Impact on the Kapaka Street Neighborhood.

The proposed project will have no significant impact on Kapaka Street neighborhood.

The Kapaka Street neighborhood surrounding the proposed site is not a pristine, natural preserve; it is a developed residential and commercial area. Development on the east side of Kapaka Street (across from Lot 27) includes 45 dwellings in the Princeville Agricultural Subdivision, where the original 22 lots have been CPR'd into 84 CPR units. Many of these dwellings are large and colorful, do not conform to the natural environment and are readily visible from Kapaka Street and Lot 27 (see Figure 6 showing dwellings in the immediate neighborhood and sample photographs of neighboring dwellings in Exhibit 5). Development also includes, the Princeville Utilities water tank, the Princeville Ranch Kids Adventure Center and the Princeville Botanical Garden (offering garden and chocolate making tours to the public). Accordingly, the construction of a single-family dwelling on the proposed site will be consistent with the character of the neighborhood and not have a significant negative impact on it.

In addition, the proposed dwelling itself has been designed to minimize any impact it might have on the neighborhood. The dwelling will not stand out from its surroundings when viewed from passing vehicles and pedestrians on Kapaka Street. The proposed dwelling is one story with a maximum height of 19 feet 8 inches and a primary ridgeline of 18 feet 6 inches. Also, the home will be oriented across the project site perpendicular to Kapaka Street with its eastern-most end set more than 40 feet from the Kapaka Street right-of-way (and more than 50 feet from the street itself). As a result, the dwelling will not be a large imposing structure looming over the street. Furthermore, the project's landscaping along Kapaka Street and around the residence, the slate roofing and the exterior materials used will obscure the dwelling and allow it to blend into the surroundings (see Exhibit 4). (Even if the proposed dwelling did not blend in as described, the project would not have a significant impact on the overall visual appearance of the Kapaka Street area in terms of its existing "natural" condition given the amount and character of development on the street.)

With respect to the condition of the west side of Kapaka Street, Lot 27 is the sole lot of record on that side of the street. Lot 27 includes 146 acres in the Conservation District in which one home is proposed. No further dwellings are permissible in the Conservation District under current law. This means that, south of the proposed site, for the entire remaining two-mile stretch of Lot 27, there will be no further dwellings. Also, north of the proposed site, the nearest possible home site in Lot 27 is in Agriculture-zoned land, approximately 900 feet away from the proposed dwelling. Accordingly, the one proposed single family dwelling will not materially alter the character of the west side of Kapaka Street.

Furthermore, the current condition of the west side of Kapaka Street is that it has been largely overtaken by invasive foliage. As a result, the Landscape Plan will constitute a significant improvement in the condition of this part of the street by eliminating invasive plants and replacing them with native flora along Kapaka Street and around the proposed dwelling.

F) Impact on Immediately Adjacent Parcels

There are two undeveloped CPR units immediately across Kapaka Street from the proposed site, these CPR units are owned by Mr. Timothy Reed and Ms. Bethany Hamilton who acquired their properties in October 2013 and in January 2013, respectively (Mr. Reed submitted a letter in response to the Pre-Assessment Letter distributed on November 9, 2013, which is included in Exhibit 8). These units currently look across the street and the proposed site to views of the mountains on the west side of the Hanalei Valley. KI has cut invasive trees along the pali and mowed weeds and grasses growing in the field pursuant to the Site Plan Approval KA-13-30 (January 31, 2013), improving views from these adjacent CPR units.

It is possible the proposed dwelling could impact a portion of the two neighboring CPR units' views of the mountains on the west side of the Hanalei Valley, even though the proposed dwelling would

be only one story and be oriented such that it runs from from Kapaka Street towards the Hanalei Valley (rather than oriented parallel to Kapaka Street which would place potentially more of the home in the neighbors' view). The degree of impact depends upon the location of the two neighbors' (as yet un-built) homes. Visual impacts would also depend upon the continued clearing of the project site and control of invasive vegetation along Kapaka Street and the pali. Normal growth of invasive trees on the proposed site (generally strawberry guava, hau, java plum and eucalyptus), if left unchecked by the applicant, would likely create an equal or greater barrier to visibility of the mountains from the neighbors' CPR units, as is the case in other portions of Lot 27 along the Hanalei Valley rim.

Two other neighbors, Dr. and Mrs. Ogawa and Mr. and Mrs. Brewer, wrote letters responding to the Pre-Assessment Letter stating the proposed dwelling would be "directly across the street" from their homes and detrimentally impact their views. The Ogawa and the Brewer residences are a considerable way south of the proposed dwelling along Kapaka Street and, as the crow flies, are more than 600 feet and 900 feet, respectively, from the proposed dwelling (see Figure 12). Given these distances and angles, the proposed project would result in no material restriction on the views from either residence (without consideration of the impact of Ms. Hamilton's development of her CPR unit on the Ogawas' and Brewers' views).

G) Impact on Views from Farms and Roadways on the Hanalei Valley Floor

There are several taro farms and a USFWS facility on the Hanalei Valley floor. The Kuhio Highway runs east-west across the valley floor from Princeville to Hanalei. Ohiki Road runs south from the highway up the valley, providing access to the taro farms and USFWS property.

Given the location of the project site along the Hanalei Valley rim, there are only three or four Hanalei farmhouses at that southern end of the valley floor which could potentially see the proposed dwelling. By limiting the dwelling to one story (with a maximum height of 19 feet 8 inches and an 18 foot 6 inch primary ridgeline) and by setting back the structure between 60 and 80 feet from the pali, the dwelling's visibility from these farms, the USFWS facility and the roads on the valley floor is mitigated.

Even if a portion of the dwelling or its roof could be observed from the farms or roadways, the dwelling's impact is further mitigated by using (i) green slate (or artificial slate) roofing material, (ii) Hawaiian rock and brown finishes on the walls and (iii) foliage groupings which break the roof and soffit lines of the dwelling. These mitigating measures prevent any visible portion of the structure from standing out from its natural surroundings.

Figures 16A, 16B, 17A and 17B provide photographs of the proposed site from the Hanalei (one-lane) Bridge and the USFWS station on the valley floor, each with a rendering of the proposed dwelling superimposed (Figure 15 shows the locations on the valley floor from which the photographs are taken). The photographs depict how the proposed dwelling would appear to the naked eye from these points on the valley floor. The difference between Figures 16A and 16B and between Figures 17A and 17B is that 16A and 17A do not include the Landscaping Plan's trees (e.g., Kuo) on the east (valley) side of the proposed dwelling, whereas Figures 16B and 17B include the landscaping. This comparison demonstrates the incremental impact of the Landscape Plan.

Also for purposes of comparison, there has been substantial development along the Hanalei Valley rim closer to Hanalei Bay (north of Lot 27), some of which has not used the mitigating design features of the proposed dwelling (or other mitigation measures). As noted above, this development includes numerous dwellings along Hanalei Plantation Road, particularly in the Hanalei Garden Farms development which includes 22 home sites. Several of these dwellings are readily visible from Hanalei Town and the Hanalei Valley floor (see Figure 12). There is further development planned at the northernmost end of the Hanalei Valley rim overlooking Hanalei Bay including more than 30 dwellings and a new hotel proposed to be constructed on the former Club Med site.

It is possible that at night, the proposed dwelling's lights could be seen from the parts of the Hanalei Valley floor (note, numerous lights in Hanalei are visible from the eastern valley rim). This impact would be mitigated by compliance with down lighting requirements for all exterior lights and the Landscape Plan's use of foliage (e.g., Kou Trees) interspersed between the proposed dwelling and the pali.

H) Impact on Hanalei Town

A spur of the mountains on the west side of the Hanalei Valley extends sufficiently far north into the valley to block views of the proposed site from Hanalei Town (this mountain spur runs from Hihimanu, to Puu Ki to Kuakaopua and on northwards). Figure 18 is a photograph taken from the eastern end of Hanalei Town (the Hanalei Dolphin Restaurant) which shows the mountain spur blocking visibility of the proposed site (the coconut palms appearing above the ridge line in the photo are located on the lot immediately north of and across the Kapaka Street from the proposed site and can be located in Figures 16 and 17). See also Figure 15, an aerial view of the Hanalei Valley, which shows the sight-line between the proposed site and Hanalei Town running into the mountain spur.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

As detailed in the response to Evaluation Question #1, after development of the proposed dwelling, the remainder of Lot 27 stretching two miles south (mauka) of the proposed site will not be used for construction of any structures, but will be left as open space. The plans for this open space include various recreational areas (e.g., a hunting and hiking area and a botanical garden area). Also, portions of Lot 27 north of the proposed site will be improved upon, including 13 acres for the Heiau Preserve, ten acres for native hardwoods and potentially six acres for a scenic overlook in to the Hanalei Valley. See Figure 7.

As detailed in responses D and E to Evaluation Criteria Question #4, the condition of the proposed site itself will be significantly enhanced. The proposed site is abandoned pasture covered predominately with invasive plants and trees which are spreading. The implementation of the Landscape Plan will halt the deterioration of the site. Invasives will be replaced with native plants and trees which are both aesthetically pleasing and provide harborage and forage for native bird species. Further, in terms of open space, 1.5 acres of the proposed site will continue to be open space. Only one-half of an acre running from the pali to Kapaka Street is occupied by the dwelling, immediately surrounding landscaping and associated features (driveway, pool, etc.).

As detailed responses E and F to Evaluation Criteria Question #5, although there has not been residential development on the west side of Kapaka Street in Lot 27, there have been numerous commercial structures built in Lot 27 and the development on the east side of Kapaka Street includes over 40 residences many of which are large and readily visible from the street. Accordingly, the neighborhood is not a pristine natural area and the development of the one single family dwelling on the proposed site is consistent with that use.

As detailed in responses G and H to Evaluation Criteria Question #5, the appearance of the eastern rim of the Hanalei Valley will not be negatively impacted by the proposed project. As shown in Figures 16A, 16B, 17A, 17B and 18, the project will not be visible from Hanalei Town and, due to setback from the pali, single story construction, roof and exterior wall materials used and surrounding foliage, the dwelling will blend into the surrounding environment when viewed from the roads and farms on the valley floor.

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

A subdivision action is not being requested here.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

As discussed above, the proposed project will not detrimentally impact air or water quality in the area, nor will it impact public health or safety in any way (see responses to Evaluation Criteria #4). The project's impact on public welfare is discussed at length above in connection with consideration of the proposed project's impact on the condition of the neighboring area and community (see responses to Evaluation criteria #5).

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

Please provide the identity and scope of cultural, historical and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

Lot 27 includes the Po'oku Heiau (State Historic Preservation Division Site # 50-30-03-139), an important Hawaiian historic/cultural site located on the summit of a hill overlooking the Hanalei Valley. On July 24, 2012, the State Historic Preservation Division ("SHPD") accepted KI's Final Archaeological Inventory Survey ("AIS") covering much of the lot, including the area of the Po'oku Heiau. On May 14, 2013, the SHPD accepted KI's Final Preservation Plan for the heiau. Further detail on the Heiau Preserve is provided in material titled "Cultural and Historic Resources" in the "Existing Conditions" section, above. The AIS and Final Preservation Plan are available from the applicant upon request.

The AIS also included a pedestrian survey of the two-acre bluff that is the project site. The AIS found no evidence of historic properties or structures in the site and the applicant is not aware of any traditional and customary native Hawaiian rights exercised in the project site.

Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

The proposed project will have no significant impact on historic or cultural sites in Lot 27.

As mentioned above, the AIS identified no historic properties on the project site itself and the applicant is not aware of any traditional and customary native Hawaiian rights exercised in the proposed site.

With respect to Po'oku Heiau, the potential for construction of farm dwellings on Agriculture-zoned land immediately south of the 7-acre Heiau Preserve (subsequently expanded to ~ 13 acres by KI) and one single-family dwelling in the Conservation District neighboring those farm dwellings was explicitly described in the AIS and Final Preservation Plan (see Figure 10). The buffer zone around the heiau area (along with other measures included in the Final Preservation Plan) is designed to provide safeguards protecting the Heiau Preserve from subsequent uses of Lot 27, including construction of these homes south (as well as homes north) of the preserve. The proposed site is well outside the preserve's buffer zone, more than 1,300 feet south of the preserve (note, the Kuhio Highway is approximately 700 feet north of the preserve). The proposed site is further south from the preserve than the possible farm dwellings bordering the preserve, as described in the AIS and Final Preservation Plan (see Figure 10 and Figure 11).

What feasible action, if any, could be taken by the BLNR in regards to your application to reasonably protect native Hawaiian rights?

No further action is required. The Final Preservation Plan with respect to Po'oku Heiau accepted by SHPD provides short and long-term measures to protect this important Hawaiian historic and cultural site. Most importantly, the buffer area provides protection from surrounding development activities.

OTHER IMPACTS

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

No

Does the proposed use have an effect (positive/negative) on beach processes?

No.

Will the proposed use cause increased runoff or sedimentation?

No.

Will the proposed use cause any visual impact on any individual or community?

The visual impact of the proposed project is considered in responses E, F G and H to Evaluation Criteria #5.

Meetings began in 2012 to assess community views regarding the project's visual and other impacts. Two presentations were made at annual meetings of the neighboring homeowners association (the Princeville Agricultural Community Association; Minutes of the December 2013 meeting are included in Exhibit 8) and to individual neighbors who have expressed interest in the development of Lot 27. Updates will be provided to neighbors and others, as requested. Discussions have also been held with the County Planning Department representatives regarding the proposed project to inform them of its nature and scope. The Planning Department had no objections to the proposed project.

KI and its representatives also discussed proposals for uses of Lot 27, including the potential for Farm Dwellings and a single-family residence in the Conservation District with numerous individuals and groups island-wide in connection with the review of KI's proposals for Po'oku Heiau. This consultation was part of the consultation process associated with the AIS and Final Preservation Plan relating to Po'oku Heiau (a draft Preservation Plan was also provided to each interviewee).

In addition to these meetings and discussions, a Pre-Assessment Letter was mailed on November 9, 2013 to a total of 80 interested parties, including government agencies, utilities, neighboring landowners and neighboring business. Comments and responses were requested with a December 9, 2013 deadline. The Pre-Assessment Letter and the response letters are included in Exhibit 8.

In response to the Pre-Assessment Letter, three letters from neighbors and one petition raised the following concerns with the visual impact of the proposed project: (i) construction of a home on the west side of Kapaka Street would upset the natural beauty of the neighborhood, (ii) the home, if constructed, could be visible from Hanalei and (iii) the home would be visible from immediately neighboring properties. See the letters from Mr. Reed (who purchased a CPR unit on the east side of Kapaka Street directly across the street from the proposed site in October 2013), Dr. and Mrs. Ogawa and Mr. and Mrs. Brewer and the petition initiated by Mr. Reed included in Exhibit 8. In addition, a letter from Mr. and Mrs. Blakely did not object to the proposed project, but rather expressed concern that the proposed dwelling not jeopardize the views from the Hanalei Valley.

(i) Impact on natural beauty of neighborhood. This issue is discussed in detail in response E to Evaluation Criteria #5, above. In particular, the Kapaka Street area is a developed residential area which includes a number of large, two story dwellings readily visible from Kapaka Street and Lot 27. These dwellings do not blend with or conform to the natural environment (see Exhibit 5). For example, Dr. and Mrs. Ogawa's two story, yellow home, while of a high quality, is readily visible from Kapaka Street beginning 600 feet south of the Ogawa property and ending 2,000 feet north of the

residence (the dwelling is visible in each direction until the road bends). The Ogawa residence does not blend in with the natural environment (in Exhibit 5, the Ogawa residence is the center photograph). Similarly, the Blakely's two story, bright white home with blue, reflective tile roof also is of the highest quality, but is immediately apparent from Kapaka Street and does not conform to the natural environment (in Exhibit 5, the Blakely residence is the top right photograph).

In contrast to several neighboring homes, the proposed dwelling is designed to minimize its visual impact on the surrounding neighborhood and visibility from the street. Limiting the structure to one story, orienting the structure perpendicular to Kapaka Street, using green slate roofing, finishing the exterior walls in natural colors and Hawaiian rock, and planting native trees and shrubs along Kapaka Street and about the dwelling will help ensure that the proposed dwelling does not loom over Kapaka Street and not stand out against its natural environment (see Exhibit 4). In addition, the use of native trees and shrubs should enhance the appearance of the proposed site, which is currently dominated by invasive weeds and trees.

(ii) Visibility from Hanalei. This concern was addressed in detail in responses G and H to Evaluation Criteria #5, above. As discussed, the dwelling would not be visible from Hanalei Town (see Figure 18) and to the extent it or its roof might be visible from the roads and farms in the Hanalei Valley, the choice of building materials and surrounding planting would result in it blending into the surrounding environment and not standing out (see Figures 16A, 16B, 17A and 17B). For comparison purposes, several dwellings in the Hanalei Garden Farms development are obvious when viewing the Hanalei Valley's eastern rim due to their relative proximity to the Hanalei Bay, lack of setback from the pali and lack of foliage along the pali (see Figure 12). Also for comparison, the Blakely's residence, although distant from Hanalei, is somewhat visible from the Kuhio Highway in the Hanalei Valley (see Figure 19). This is largely a result of its bright white color and blue roofing. The dwelling would be largely undetectable if the exterior finish choices were different.

(iii) Visibility from immediate neighboring parcels. This concern was addressed in response F to Evaluation Criteria #5, above. As noted there, the impact on these parcels is minimized by the design features of the dwelling (including limitation to a single story, use of green slate roofing, use Hawaiian rock and brown tone exterior finishes), the dwelling's setback from Kapaka Street, the dwelling's orientation on the site (perpendicular to Kapaka Street) and the surrounding landscaping (see Exhibit 4).

Although three letters described their properties as "directly across the street" from the project, Mr. and Mrs. Brewer and Dr. and Mrs. Ogawa reside a substantial distance away, their residences are more than 600 feet and 900 feet, respectively, from the proposed dwelling (see Figure 12). Given these distances and angles, it is difficult to see any meaningful impact of the proposed dwelling on their views of the the Hanalei Valley and its surrounding mountains. Mr. Reed's undeveloped parcel is directly across the street from the proposed dwelling (note, Mrs. Brewer was Mr. Reed's real estate agent in his recent purchase of his land). It is hard to fully assess the impact of the proposed dwelling on Mr. Reed's views, as his property is undeveloped. However, the proposed dwelling has been located on the project site in an effort to minimize any possible impact on such views and views of the Hanalei Valley mountains will still be available to him. Furthermore, if invasive foliage on the proposed site were not kept in check (as presently undertaken by the applicant), this foliage would ultimately have a greater impact on Mr. Reed's views, as it has on views of the valley in other areas along Kapaka Street.

There have also been positive responses from neighbors regarding the proposed project (see e-mails from Ms. Bouret and Ms. Edwards included in Exhibit 8), addressing improvements to the neighborhood already made by the applicant and the potential for future plans to enhance the condition of the area. These responses were not solicited by KI and KI and its principals had no prior relationship with the e-mails' authors.

Response letters have also been received from the State Department of Health, the State Department of Transportation, the USFWS, DLNR Division of State Parks, Kauai Department of Water and the State Office of Environmental Quality. These letters provide information and guidance with respect to

development of the proposed project.

Please describe any sustainable design elements that will be incorporated into the proposed land use (*such as the use of efficient ventilation and cooling systems; renewable energy generation; sustainable building materials; permeable paving materials; efficient energy and water systems; efficient waste management systems; et al.*).

Sustainable design elements include: (i) an anaerobic waste water system which is a closed system producing non-potable water (suitable for agriculture); (ii) energy efficient windows, (iii) weather striping on all doors and (iii) "double wall" construction allowing for maximum insulation. Also, the dwelling could be outfitted with water circulating panels and photovoltaic panels for hot water and electricity generation, respectively. However, available panels are not well camouflaged and are somewhat reflective. As a result, if they were installed on the dwelling's south facing roof areas, they would be conspicuous when approaching the proposed site from the south (mauka) on Kapaka Street. Alternatively, panels mounted on ground units could be used, if ground disturbance for footings and ground coverage were acceptable to the OCCL.

If the project involves landscaping, please describe how the landscaping is appropriate to Conservation District (*e.g. use of indigenous and endemic species; xeriscaping in dry areas; minimizing ground disturbance; maintenance or restoration of the canopy; removal of invasive species; habitat preservation and restoration; et al.*).

The Landscape Plan is described in the section titled "Proposed Use". As detailed in responses D and E to Evaluation Criteria Question #4, the Landscaping Plan will significantly enhance the condition of the two-acre proposed site and .75 acres of the surrounding pali area. The proposed site is abandoned pasture covered predominately with invasive plants and trees which are spreading in and outside the site. The implementation of the Landscape Plan will halt the deterioration of the site and restore it. Invasives will be replaced largely with native and endemic plants and trees which are consistent with the original condition of the site, are aesthetically pleasing and provide harborage and forage for native bird species. The landscaping activity will be undertaken in a manner which minimizes ground disturbance. In particular, in the pali area, root structures will be left intact to support ground stability.

Please describe the Best Management Practices that will be used during construction and implementation of the proposed land use.

BMPs will include following the guidelines in the "Interim Best Management Practices Manual for Construction Sites for the County of Kaua'i" or appropriately implemented alternative practices. Such BMPs will include: (i) dust control measures (such as keeping areas cleared of vegetation damp with water seven days a week (including at the end of the day), keeping embankment and other imported material damp and installing dust screens, all in conformity with Hawaii Air Pollution Control rules); (ii) erosion control measures (such as silt fencing, regular removal of silt, debris and sediment from silt fences and any roadways or drainage facilities, planting temporary vegetation on areas bared of vegetation from any grading, and sandbagging); (iii) waste disposal measures (such as collecting all construction and demolition waste in a securely lidded metal dumpster without leaks, disposing of hazardous waste materials in a manner specified by local or state law and disposal of construction waste in an approved manner or at an approved site); (iv) environmental control measures (such as to minimize or prevent discharge of sediments, debris or other water pollutants into state waters and to prevent to the maximum extent practicable damage by sedimentation, erosion or dust to streams, watercourses, natural areas and the property of others); and (iv) various good housekeeping management practices (such as keeping products in their original containers with manufacturer's labels, keeping an inventory and storage of materials in a neat and orderly manner, if possible under roof or away from potential storm water runoff).

In addition, (i) the practices described in the USFWS Letter (included in Exhibit 8) designed to protect native bird species will be undertaken and (ii) the Landscape Plan will be initiated immediately, starting with planting of Kou trees along the western perimeter (Hanalei Valley rim side) of the proposed dwelling and planting of the Kapaka Street boundary area as soon as the planting berm is installed.

Please describe the measures that will be taken to mitigate the proposed land use's environmental and cultural impacts.

The proposed project will not impact to cultural or religious properties, as discussed in the "Cultural Impacts" section above.

The proposed project will not have a negative impact on flora, fauna, topography, drainage, air and water quality, utilities, roads or traffic, as discussed in the responses to Evaluation Criteria #4 and #5 above.

The only potentially negative environmental impact of the proposed project relates to its affect on (i) views from parcels directly across Kapaka Street, (ii) the condition of the Kapaka Street neighborhood, (iii) views from roads and farms in the Hanalei Valley and (iv) views from Hanalei Town. These impacts are mitigated by the location of the proposed site, setback of the dwelling from the pali and from Kapaka Street, orientation of the dwelling perpendicular to Kapaka Street, limitation of the dwelling to a single story, the choice of materials for the roof (slate) and the exterior walls (shades of brown and Hawaiian rock) and foliage to be planted along the Kapaka Street boundary of the site and around the perimeter of the dwelling itself.

As a result of these mitigating factors, the dwelling will not be visible from Hanalei Town, and to the extent the structure could be seen from roads and farms on the Hanalei Valley floor, the structure blends into the surroundings and is not readily discernible (see responses G and H to Evaluation Criteria #5 and Figures 16A, 16B, 17A, 17B and 18). With respect to impact on parcels directly across Kapaka Street and the Kapaka Street neighborhood, the dwelling will not loom over the street or be a dominating presence along the street. Instead, it will be largely obscured by surrounding foliage, will not block out the views of the mountains on the west side of the Hanalei Valley and will be consistent with the character of the neighborhood (see responses E and F to Evaluation Criteria #5 and Exhibit 4).

SINGLE FAMILY RESIDENTIAL STANDARDS

Single Family Residences must comply with the standards outlined in §13-5 Exhibit 4.

Size of Lot:

	Existing	Proposed	Total
Proposed building footprint	0	4,641 sq ft	4,641 sq ft
Paved areas / impermeable surfaces	0	pool+deck	300 sq ft
Landscaped areas	0	2.8 acres	2.8 acres
Unimproved areas	0		

Setbacks Front: 40 feet Sides: NA Back: 250 feet

Shoreline Properties

Average Lot Depth (ALD): NA Average annual coastal erosion rate: NA

Minimum shoreline setback based on Exhibit 4: NA

Actual shoreline setback of proposed structure: NA

Maximum Developable Area

The maximum developable area computation shall include all floor areas under roof, including first, second, and third story areas, decks, pools, saunas, garage or carport, and other above ground structures.

Maximum Developable Area based on Exhibit 4: 5,000 sq ft

Actual Developed Area of proposed residence: 4,941 sq ft

Actual height of the proposed building envelope as defined in Exhibit 4: 19 ft 8 inches

Compatibility

Provide justification for any proposed deviation from the established residential standards.

No deviation from established residential standards is proposed.

How is the design of the residence compatible with the surrounding area?

As discussed in response E to Evaluation Criteria #5, Kapaka Street is not a pristine, natural preserve; it is a developed residential and commercial area with numerous structures readily visible from Kapaka Street and Lot27. Although the homes along the street are high quality residences, many are large, colorful, conspicuous and do not conform to the natural environment (see Figure 6 and Exhibit 5). As a result, a single-family dwelling on the proposed site would be compatible with the use and visual appearance of the Kapaka Street area. Furthermore, in contrast to many of the existing dwellings along Kapaka Street, the proposed dwelling will conform to the surrounding environment and blend into it. This results from the dwelling's design, including limiting the structure to a single story, orienting the

structure perpendicular to Kapaka Street, the choice of green slate for the roof, use of Hawaiian rock and shades of brown for exterior wall finishes and the Landscape Plan's removal of invasive foliage and its use of native trees and plants along Kapaka Street and the perimeter of the dwelling.

If grading is proposed include a grading plan which provides the amount of cut and fill. Has grading or contouring been kept to a minimum?

The contours of the proposed two-acre site will not be altered, except for (i) excavation of the area immediately beneath the proposed dwelling to accommodate its post and pier foundation (requiring approximately 406 cubic yards of earth to be removed), (ii) excavation of the pool (requiring approximately 55 cubic yards of earth to be removed), and (iii) use of the excavated soil to add a two-foot high planting berm along portions of the site's boundary with Kapaka Street. The planting berm will enhance the effectiveness of the native foliage in creating a barrier to visibility of the proposed dwelling from Kapaka Street.

The only other excavation on the proposed site will be installation of the gravel leach bed for rainfall absorption and dispersal (requiring approximately 146 cubic yards of earth to be removed). After installation of this leach bed, the contours of this area will be returned to their pre-existing state. The product of this excavation will supplement the planting berm.

See the Exhibit 3, the Preliminary Excavation Schedule.

CHAPTER 205A, COASTAL ZONE REQUIREMENTS

Land uses are required to comply with the provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management," as described below:

- **Recreational resources:** Provide coastal recreational opportunities accessible to the public.
- **Historic resources:** Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- **Scenic and open space resources:** Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- **Coastal ecosystems:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- **Economic uses:** Provide public or private facilities and improvements important to the State's economy in suitable locations.
- **Coastal hazards:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- **Managing development:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- **Public participation:** Stimulate public awareness, education, and participation in coastal management.
- **Beach protection:** Protect beaches for public use and recreation.
- **Marine resources:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

MANAGEMENT PLAN REQUIREMENTS

Certain land uses require a that a Management Plan be approved by the Board of Land and Natural Resources. The Management Plan can be processed concurrently with the Conservation District Use Application, and must be consistent with the Hawaii Administrative Rules Chapter 13-5, Exhibit 3.

Pursuant to the above, Management Plans should include:

- Project location (e.g., island map, location map, site plan (drawn to scale))
- Natural resource assessment including descriptive information about the natural resources in the project vicinity such as biological, archaeological, cultural, geological, coastal, recreational, and scenic resources, where applicable. The presence of any threatened or endangered species shall be disclosed.
- Natural hazard assessment including descriptive information of erosion, flooding, slope, tsunami, and volcanic hazards, where applicable.
- A description of best management practices used during project construction and implementation (e.g., mitigation measures).
- A description of the best management practices to be used during the lifetime of the project (e.g., mitigation measures).
- A description of the conservation methods and applications to be used in the short term and long term (e.g., mitigation measures).
- Description of existing uses and facilities, if any.
- Description of proposed facilities and uses, including phases, if applicable.
- Project schedule including description of project sequencing from project construction to project completion and on-going maintenance plans, including a description and timing of natural resource monitoring and maintenance plans.
- A description of the annual reporting requirements.
- Any other information or data, as required by the department.

Please attach the proposed Management Plan as a separate document.

CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.

Signature of authorized agent(s) or if no agent, signature of applicant

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Signature of applicant(s)